



Flathead Conservation District
133 Interstate Lane, Kalispell, MT 59901
www.flatheadcd.org 406-752-4220

CALL TO ORDER & ATTENDANCE

Vice Chair Lori Curtis called the August 12, 2019, 310-Stream Permit meeting to order at 7:00 P.M. in the conference room.

Board members present:

Lori Curtis, Vice Chair; Dean Sirucek, Secretary/Treasurer; Ronald Buentemeier, Supervisor; Verdell Jackson, Supervisor; Lech Naumovich, Supervisor; being a quorum of the Board.

Board members absent: Pete Woll, Chair; John Ellis, Supervisor. Absences are excused.

Also, in attendance were Hailey Graf and Ginger Kauffman, FCD staff; Kenny Breidinger, MFWP; Bill & Kristy Whitsitt; Rob & Marcey Anderson; Vernon & Karina Pettey; Bill Schottelkorb; Cody Jensen, 406 Engineering; Eric Anderson, WGM Group; David Preble, Flathead Electric Coop; Jeff Evans.

MINUTES

Dean Sirucek motioned “to approve the minutes of the July 22, 2019, business meeting as presented.” Verdell Jackson seconded. Motion carried unanimously.

CORRESPONDENCE

Email: Newsletters

1. Montana Watershed Coordination Council *Watershed News*
<http://mtwatersheds.org/app/>
 2. Lower Musselshell Conservation District *LMCD Conservation News*
<https://lmcddistrict.wordpress.com/https://www.facebook.com/pages/category/Government-Organization/Lower-Musselshell-Conservation-District-358954784678786/>
 3. National Association of Conservation Districts (NACD)
Conservation Clips
 4. Montana Association of Conservation Districts (MACD) <https://macdnet.org/> and Soil & Water Conservation Districts of Montana (SWCDM) www.swcdm.org
July 25, 2019 issue of *the Montana Conservationist*
 5. Fish Wildlife & Parks Aquatic Invasive Species updates:
It’s been a busy summer on the front to combat **Aquatic Invasive Species**.
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So far, Montana Fish, Wildlife & Parks and its partner agencies have conducted more than 52,000 watercraft inspections – with more than 7,000 of those happening over the Fourth of July weekend. To date, 13 vessels with zebra or quagga mussels have been intercepted. Several new watercraft inspection stations opened in the last couple of weeks, including the Broadus inspection station on Highway 212, operated by the Powder River Conservation District. Also new is the St. Xavier inspection station on Hwy 313, operated by the Big Horn Conservation District. The Wibaux station on I-94 is now managed and operated by the Garfield Conservation District. More than 600 plankton tow samples have been collected across the state for mussel veliger (final larval stage) early detection analysis. FWP's AIS lab has processed 522 of those samples, and no zebra or quagga mussel veligers have been detected to date. After signs of Asian clams were found at Lake Elmo in Billings, AIS staff conducted a thorough survey of the lake and discovered several live clams. A further delineation survey of the lake, the canal system and other connected waters is currently under way. Next steps will be determined following the survey.

Publications:

1. The Charles M. Russell National Wildlife Refuge Community Working Group www.cmrcwg.org/ has produced **Rangeland Conservation Programs in Montana**, a resource to advocate for voluntary, incentive-based conservation for the enhancement of the rangeland ecosystems of Montana. It also contains a conservation menu of the available programs for different conservation needs and the contact information for those responsible for the programs. Visit www.mtconservationmenu.org for program options across the state and information on each program.

Email: Funding/Grants

1. The Soil and Water Conservation Districts of Montana (SWCDM), in partnership with the Missouri River Conservation Districts Council, announces funding is available for **Ranching for Rivers, a cost-share program** to help ranchers with riparian pasture fencing projects. The purpose of the program is to provide landowners throughout the state with the needed resources to voluntarily construct fences and/or other infrastructure (crossings, water gaps, offsite water, etc.) that enable them to better manage the riparian resources on their land. Ranching for Rivers offers up to 50% cost-share for riparian pasture fencing, pasture-related infrastructure, and construction costs. This round of funding will also include the services of a range management specialist to work with each landowner to design a customized grazing plan for the new pasture. Applications will be accepted on a rolling basis, with the first review deadline on September 22, 2017 by 5 PM. Applications submitted after the deadline will be eligible for the next round of funding. More information about the program go to <http://swcdmi.org/programs/r4r/> OR contact Samantha Tappenbeck stappenbeck@macdnet.org
2. The Montana Department of Environmental Quality is seeking applications for funding for nonpoint source pollution reduction projects available under the Federal Clean Water Act. Applicants must either be a nonprofit organization or a government entity. **The deadline for applications is 5 p.m., Friday, November 1,**



2019. Application forms and instructions are available at: <http://deq.mt.gov/Water/SurfaceWater/NonpointSources>. For more information on the funding, contact Mark Ockey at 406-444-5351 or by email at mockey@mt.gov or visit DEQ website deq.mt.gov/Water/SurfaceWater/NonpointSources

3. The DNRC Reclamation and Development Grants Program (RDGP) is now accepting grant applications to fund planning and assessment for natural resource projects. Up to \$50,000 is available per planning project to any city, county, Tribe, conservation district, or other local government subdivision in Montana. **Applications are due Thursday October 10 by 5 pm.** [Visit \[visitfundingmt.org\]\(http://visitfundingmt.org\) for application information.](http://visitfundingmt.org)

Email: Meetings

1. **Whitefish City Planning Board Meeting**, Thursday, August 15, 2019, 6:00 P.M, Whitefish City Council Chambers. Comments on agenda items are due 8/5/19. Application packets along with public comments and the staff report will be available on the City's webpage: www.cityofwhitefish.org under 'Whitefish Planning Board' six days prior to the Planning Board public hearing date.

Email: Other

1. Montana Association of Conservation Districts (MACD) is looking for an Executive Director. The Executive Director is responsible for providing leadership and overall management of the organization. This includes communication with conservation districts and partners, legislative duties, representing conservation districts at a variety of events, and the administration and management of daily operations. Complete applications must be submitted to hire@macdnet.org. Contact: Melissa Downing Operations Manager / Programs Manager, Soil and Water Conservation Districts of Montana, Montana Association of Conservation Districts, 406-443-5711

FINANCIAL

The following bills were reviewed:

1. Byte Savvy \$55.00
2. Flathead Beacon \$600.00
3. Green Earth Gardening \$6,975.00
4. MontanaSky Networks \$10.00
5. Mountain States Leasing \$3,199.46

Dean Sirucek motioned "to approve the bills as presented." Verdell Jackson seconded. Motion carried unanimously.

PUBLIC COMMENT PERIOD

Dave Preble, Flathead Electric Cooperative, provided information on a utility project that would require boring under the stream. He explained this is an existing powerline in the Marion area and they need to replace the primary power line to keep the power on. They will bore 5' below the stream and be back approximately 130' on one side and 80' back on



the other side. Ronald Buentemeier noted that it does follow the exemption in the Adopted Rules - Chapter 3.Q.2.b.i., so they do not need a permit under those circumstances.

Ronald Buentemeier motioned “the Flathead Electric Coop utility project on Little Bitterroot River is not a project requiring a permit per the Flathead CD Adopted Rules.” Verdell Jackson seconded. Motion carried unanimously. See Application #FL2019047

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Anderson, FL2019044, Flathead River, dredging: An onsite inspection was scheduled for Thursday, August 22, 2019, 9:00 A.M. at the site.

BNSF, FL2019045E, Whitefish River, notice of emergency: Lech Naumovich explained that he had noticed booms and material being moved around on Whitefish River. He talked with the person doing work for containing the spill. A hydrocarbon sheen had been reported and the work is being done by BNSF.

Supervisors and FWP agreed that the district does not have authority in this case because under the ICC Termination Act, the Federal Surface Transportation Board has exclusive jurisdiction over railroad operations and facilities, which includes BNSF. BNSF submits permits to local and state agencies voluntarily and tries to comply with local requirements; however only federal permits are needed.

Lech Naumovich motioned “the Flathead CD does not have authority for this project and to send a letter thanking BNSF for the notice of emergency.” Dean Sirucek seconded. Motion carried unanimously.

Hammett, FL2018028, Evers Creek, culverts/road construction: Verdell Jackson explained that the landowner is working on a logging road. Two culverts are done and two more need to be placed. The permit expires 8/13/2019. The landowner has requested the permit to be extended until 11/24/2019. Supervisors noted that the request was submitted before the permit expired and that an extension could be approved.

Verdell Jackson motioned “to approve the permit extension until November 24, 2019.” Lech Naumovich seconded. Motion carried unanimously.

Harvey, FL2019038, Stillwater River, steps/grading/sod/planting/retaining wall: Dean Sirucek explained that the application is for a project on Stillwater River. The landowner would like to recontour some existing riprap, put in steps, recontour the lawn and put in a retaining wall between the existing lawn down to river. Dean provided photos of the site. Kenny Breidinger further explained that work would be done during low water to remove



some of the riprap and replace with stone steps. Dean reviewed the considerations in the Team Member Report noting that possible impacts would be minor and short-term.

Dean Sirucek motioned “to approve the application with modifications per the Team Member Report.” Lech Naumovich seconded. Motion carried unanimously.

Hicks, FL2019041C, Unnamed, complaint: Verdell Jackson stated the complaint is regarding two ponds that were created in 2012 or 2013, and the stream was diverted.

Verdell Jackson motioned “to send the standard complaint letter.” Lech Naumovich seconded. Motion carried unanimously.

Hogan, FL2019004, Rose Creek, well/cistern, excavation/structures/utilities: Lori Curtis motioned “to table the application pending further information from the landowner.” Verdell Jackson seconded. Motion carried unanimously.

Hailey Graf noted that Roger Noble emailed the district on 8/5/19. He had contacted the Flathead County Health Department and found that Mr. Hogan had submitted a septic permit application however they have not yet issued a permit because of insufficient information.

Kirby, FL2019031, Flathead River, walkway/ramp: Lori Curtis stated that Pete Woll requested the application be tabled. Kenny Breidinger added that he and Pete Woll did a second onsite inspection a few weeks ago, and the landowner intended to submit additional information but had not done so yet. Hailey Graf noted that the district has been contacted with concerns by the Montana Outdoor Legacy Foundation (MOLF), which owns the wetland area between the property owners within the Eagle Bend West community and Flathead River.

Lori Curtis motioned “to table the application per Pete Woll’s and Kenny Breidinger’s recommendation.” Dean Sirucek seconded. Motion carried unanimously.

Bill Witsitt, Eagle Bend West Homeowners Association (HOA) and neighboring homeowner, described his concerns of continued degradation of the wetland to the Board. Mr. Witsitt provided information, photos and a video showing docks with jet skis and channeling of the wetland. He stated that work has not been approved by the HOA for any exterior change to the lots or work that would disrupt the wetlands. Trespass issues from MOLF and set back requirements by Army Core of Engineers (ACOE) have been raised. Ronald asked about ACOE permits and Mr. Witsitt replied they would require a wetland delineation. Ronald explained that the district only has authority over 310. Mr. Witsitt recommended some kind of a consultation with ACOE, Fish Wildlife and Parks, Flathead Planning and Zoning etc. before any action is taken on the 310-permit. Lori Curtis thanked Mr. Witsitt and expressed appreciation to him for attending the meeting.



Nichols, FL2019043C, Flathead River, complaint: Lori Curtis stated the complaint is regarding filling in the 100-year floodplain.

Lori Curtis motioned “to send the standard complaint letter.” Dean Sirucek seconded. Motion carried unanimously.

Osborne Landing HOA, FL2019034, Swan River, remove & trim trees: Kenny Breidinger stated this project is in Leo Rosenthal’s area. Leo is ok with approving the application per the amendment. Lori Curtis stated that Pete Woll was also ok with approving the work on the slope, however the tree is on state land where they cannot do work. Hailey Graf noted that the 8/5/2019 amendment states they will only be working on their property and will not be working on state land.

Lori Curtis motioned “to approve the application with modifications submitted 8/5/2019.” Dean Sirucek seconded. Motion carried unanimously.

Petty, FL2019042, Moose Creek, debris & brush removal: An onsite inspection was scheduled for Monday, August 19, 2019, 9:30 A.M. at the site.

Phillips, FL2019040, Flathead River, remove trees: An onsite inspection was scheduled for Thursday, August 22, 2019, 9:45 A.M. at the site.

Stewart, FL2019039, Walker Creek, residential structures, culvert, fill: An onsite inspection was scheduled for Thursday, August 22, 2019, 1:30 P.M. at the site.

Weber, FL2019013, Flathead River, patio/dock/stairs/bank stabilization: Dean Sirucek stated the original application included a number of projects, and the design has been amended several times. Dean explained the issues with each change and stated that he and Kenny Breidinger would now recommend approval per the amendment submitted 7/19/2019. The patio has been totally removed from the application and the riprap, dock and steps now comply with the Adopted Rules. Kenny Breidinger noted that the dock is 30 feet due to depth of water. Dean Sirucek reviewed the considerations in the Team Member Report and noted that they need to wait for low water to do the work.

Dean Sirucek motioned “to approve the application per modifications submitted 7/19/2019.” Lori Curtis seconded. Motion carried unanimously.

Eric Anderson, WGM Group, noted that additional information requested by ACOE was cc’d to the district. Ronald Buentemeier added that if there are any further changes, the landowner must come back to the district for approval.

Westwood Park, FL2019033C, Bowser Spring Creek, complaint: Lori Curtis stated that the path was permitted under 310-permit #FL2018054, however it was built where it was not approved to be built. Supervisors and FWP agreed that the path must be moved to the permitted area. The disturbed area is to be reseeded with native grasses and weed control must be provided in the common area.



Bill Schottelkorb, Westwood Park LLC, noted that the trail was constructed by Flathead & Glacier High School Student Built House Program and the students moved the path. He talked to instructor Brock Anderson, and they agreed that this provides a good lesson to all and is actually a win-win situation.

Verdell Jackson motioned “as remediation for the violation, the path is to be moved to the area where it was originally permitted. The disturbed area is to be reseeded with native grasses and weed control must be provided in the common area.” Dean Sirucek seconded. Motion carried unanimously.

NEW BUSINESS

DNRC 310 Administrative Grant: Ginger Kauffman explained that in May, Laurie Zeller, DNRC, sent out notes to the conservation districts stating that funding was reinstated for 310 Administrative Grants. The funds help districts to cover 310-related expenses at a little over \$50 per 310-application. Flathead CD recently received a grant Agreement in the amount of \$2500, and DNRC asked the district to sign and return the document if in agreement. A copy was sent to the County Attorney for review.

Dean Sirucek motioned “to approve 310 Administration Grant #CDA-20-1981 per the County Attorney’s review.” Verdell Jackson seconded. Motion carried unanimously.

Personnel Hiring: Lori Curtis stated ten applications were received. The hiring committee (Lech Naumovich, Dean Sirucek and herself) will provide a recommendation to the board for the top three candidates. She asked if any other supervisors want to provide additional information or input, to do so by this Wednesday or Thursday. The interview date was tentatively set for September 4th.

MATTERS OF THE BOARD/STAFF

Bowser Spring Creek: Hailey Graf stated on 11/13/18 permit #FL2018060 (Hale) was approved for work on Bowser Spring Creek. This spring concerned neighbors called and came to the district office regarding ongoing work and a large amount of fill on the property, however, no one wanted to file a complaint.

Donna Valade, Flathead County Planning & Zoning (FCPZ), contacted Hailey about the permit and asked to set up an informal site visit as FCPZ had recently issued an after-the-fact permit for the project. Hailey added that the onsite was also with the intent to learn the difference in each agencies’ rules; not to make any changes or to make recommendations, just for fact finding. This is Verdell Jackson’s area however he was unable to attend, so Dean Sirucek and Hailey attended the onsite.

Dean Sirucek stated Hale wanted to bring in fill to raise the grade for a secondary drain field. He noted that the area the district took jurisdiction over was just a sliver of where the fill was going to be placed; we took jurisdiction of the west portion. Verdell Jackson had



done a follow-up inspection on 11/28/2018 and noted that the project complied with the 310-permit.

Dean showed two photos, one from the follow-up inspection, and one from the recent onsite visit. The recent onsite visit photo showed substantially more fill had been placed. Dean stated the 310-permit allowed a maximum of 3 truckloads of fill. Dean recommended that rather than using a quantitative number of dump truck loads, that it needs to be stated in cubic yards.

Dean stated he measured the area where the district took jurisdiction and noted that Hale had added, but not a lot. Hale did not go farther into the wetland. He is still within the scope of the 310-permit and what is there is not beyond what was requested. Distance from the stream was discussed, however, an after-the-fact permit was decidedly unnecessary. Dean recommended no action and again noted the importance of being very specific about allowable quantities.

ACOE Notice: Lori Curtis stated that, as a courtesy, the Army Corps of Engineers sent a Public Notice (application #NOW-2011-01760-MTH) to the district office regarding a mitigation site in the Viking Creek area. Public comments are due 8/21/2019. Lori noted that this is on Charlotte Batten's property and Mike Koopal is providing technical assistance to Batten. No 310-permit is required as there will be no work on the stream.

Fair: Hailey Graf provided fair and parking passes to supervisors that signed up to help at the fair booth this week.

The next business meeting is scheduled for Monday, August 26, 2019, 7:00 P.M. in the conference room of the USDA building at 133 Interstate Lane, Kalispell.

Adjournment: Verdell Jackson motioned "to adjourn." Dean Sirucek seconded. Motion carried unanimously. As there was no further business, the meeting was adjourned at 9:00 P.M.

Submitted By:

Ginger Kauffman
Administrator

Hailey Graf
Interim Resource Conservationist

Minutes approved by FCD Board motion made on:

8/26/2019 Pete Woll Chair _____
(Date) (Signature) (Title - Chair etc.)

